

CHAPTER 45

PAROLE

[Prior to 10/1/83, Social Services[770] Ch 26]
[Prior to 3/20/91, Corrections Department[291]]

201—45.1(906) Administration.

45.1(1) *Supervision.* Persons committed to the director of the department of corrections and granted parole by the Iowa board of parole shall be supervised by the judicial district departments of correctional services. The district departments shall impose conditions of parole as contained in rule 45.2(906).

45.1(2) *Effective date/parole agreement.*

a. Parole is effective only upon the acceptance of the terms of parole as evidenced by the signing of the standard parole agreement form by the parolee before a district department employee. In the event that emergency procedures are effected to reduce the institutional population, institutional staff shall authorize a temporary agreement by having the offender sign the standard form prior to leaving the institution. The temporary agreement shall be forwarded to the supervising parole agent who may revise the agreement in accordance with rule 45.2(906). The parole agreement shall be issued only upon the written order of the board of parole and shall not be issued prior to the establishment of an approved parole plan. The parolee may not be released on parole prior to the execution of the parole agreement. The parole agreement shall contain the conditions of parole pursuant to rule 45.2(906) and shall contain the parolee's reporting instructions.

b. The district department shall have written policies and procedures which ensure that a case auditing system is developed and utilized according to established auditing standards which shall include a Level of Service Inventory-Revised (LSI-R), CMC/Jesness and Case File Audit System. The district department shall use the statewide case management system to ensure that offender risk and criminogenic needs are identified and addressed in an effort to lower risk and reduce victimization. The system should be designed to focus the majority of resources on moderate- and high-risk offenders and shall include the following elements: ongoing risk and need assessment, responsivity, case planning, case plan follow-up and documentation, transfer of records, staff training, and quality assurance. Districts shall ensure that all case management staff, i.e., staff whose job duties include administering the LSI-R or using the LSI-R to develop case plans, become certified to administer and score the LSI-R.

45.1(3) *Earned and honor time.* Earned and honor time shall be awarded in accordance with department of corrections policy.

45.1(4) *Furlough.* Parolees may be granted a community placement furlough to their prospective parole area upon request by the assigned supervising parole officer pursuant to 201—subparagraph 20.12(5)“b”(2). The district departments shall have written policy and procedures on furloughs.

45.1(5) *Parole release funds.* Offenders approved for parole will receive clothing or a clothing allowance, money and transportation in accordance with the provisions of Iowa Code section 906.9.

45.1(6) *Hospitalization.* The director of the department of corrections may send indigent parolees to the university hospitals at the University of Iowa for needed medical services without the court order required in other cases pursuant to Iowa Code section 255.29.

45.1(7) *Pharmaceuticals.* Except in an emergency pursuant to Iowa Code section 613.17, the district department personnel shall not administer or dispense any prescription drugs, including antabuse, to parolees.

45.1(8) *Grievance procedure.* The district department shall have a written grievance procedure for all parolees which shall include the method by which all parolees are notified of the procedure.

45.1(9) *Parole relief fund.* Rescinded IAB 10/2/91, effective 9/13/91.

201—45.2(906) Conditions of parole.

45.2(1) *Standard conditions.* The following are standard conditions of parole supervision applicable to all parolees.

- a.* The parolee shall obey all federal, state and local laws and ordinances.
- b.* In the event of any arrest or citation, the parolee shall notify the district department of the arrest or citation within 24 hours.
- c.* The parolee shall secure and maintain employment as approved by the district department. The parolee shall obtain advance permission from the district department before changing or quitting a job. If the parolee is fired or laid off, the parolee shall notify the district department within 24 hours. If the parolee is unemployed, every effort shall be made to obtain employment, and such efforts shall be reported to the district department as directed.
- d.* The parolee will be restricted to the county of residence unless prior permission to travel has been granted by the district department or otherwise in accordance with the parole agreement. The parolee will secure advance written permission which may be a part of the parole agreement, from the district department before traveling outside the state of residence.
- e.* The parolee shall obtain prior permission from the district department before changing residence.
- f.* The parolee shall maintain contact with the district department as directed by the district department or the department of corrections.
- g.* The parolee shall maintain and, upon request, present proof of adequate liability insurance or proof of financial responsibility and a valid driver's license before owning or operating a motor vehicle.
- h.* The parolee shall not own, possess, use or transport firearms or other dangerous weapons or imitation thereof.
- i.* The parolee shall cooperate in any treatment/rehabilitation/monitoring program as specified by the district department.
- j.* The parolee will make payments as directed by the restitution plan of payment.

45.2(2) *Special conditions.* Special conditions may be imposed at any time and shall only be imposed in accordance with the needs of the case as determined by the judicial district department of corrections, the department of corrections or the Iowa board of parole. Special conditions shall be handled in the following manner.

- a. Deletions.* Immediately following the condition being deleted, the deletion shall be clearly noted on all copies of the parole agreement. Both the parolee and district department staff shall sign the notation of deletion including the date of the deletion. The district supervisor and the board of parole shall be immediately informed of the deletion in writing.
- b. Additions.* Additional conditions may be imposed. The additional conditions shall be clearly indicated on all copies of the parole agreement and shall be signed and dated by the parolee and the supervising agent. The department of corrections and the parole board shall be notified of additional conditions in writing.

201—45.3(910) Restitution.

45.3(1) *Restitution plan of payment.* There shall be a restitution plan of payment developed on those parolees who have been court ordered to pay restitution unless the court-ordered restitution plan of payment has been completed. Factors which must be considered in developing the restitution plan of payment are:

- a. Present income/employment
- b. Physical/mental health
- c. Education
- d. Financial situation
- e. Family circumstances

The district department shall have written policies and procedures governing the development and modification of the restitution plan of payment. Final approval of the restitution plan of payment shall be by the district director.

The approved restitution plan of payment shall be forwarded to the appropriate clerk of court by the district department or to the person responsible for collection, if collections are performed by the district department.

45.3(2) *Compliance.*

- a. The parolee shall submit payments in a timely manner to the clerk of court or district department.
- b. If payments are made to the clerk of the district court, the parolee shall provide the district department proof of payments.
- c. The district department will provide statements to the appropriate clerks of court when community service is ordered in lieu of financial restitution.

201—45.4(908) Violations.

45.4(1) *Offenses.* The district department may at any time report violations of the conditions of parole to the board of parole.

Within ten calendar days of receipt of knowledge of the commission of certain violations, listed below, the supervising officer shall make written report to the board of parole of the violations. The report shall include a recommendation or revoke parole or continue the person on parole. When the subject of the report is the commission of a new offense, the supervising officer may withhold recommendation until disposition of the charges in district court.

- a. Violation of any federal or state law; simple misdemeanors need not be reported.
- b. Any violent or assaultive conduct.
- c. Possession, control, or use of any firearms, imitation firearm, explosives, or weapons as defined in federal or state statutes.
- d. Sale, possession, continual or problem use, transportation or distribution of any narcotic or other controlled substance, or repeated excessive use of alcohol by the parolee.
- e. A parolee whose whereabouts are unknown and has been unavailable for contact for 30 days, or reliable information has been received indicating that the parolee is taking flight or absconding.
- f. Any behavior indicating the parolee may be suffering from a mental disorder which impairs the parolee's ability to function in the community or which makes the parolee a danger to self or others when the mental disorder cannot be adequately treated while in the community.
- g. Any other conduct or pattern of conduct in violation of the conditions of parole deemed sufficiently serious by the parole officer. The parole officer or supervisor is authorized to dispose of any other parolee misconduct not required to be reported above.

45.4(2) *Detention.* A parole officer, with supervisory approval, may arrest a parolee when there is probable cause to believe the parolee has violated conditions of parole which may result in parole revocation. The arresting agent may request temporary detention of the parolee in a local detention facility. In such cases all actions of the agent shall be in accordance with Iowa Code sections 908.1 and 908.2. A parole officer may also proceed without arrest by filing a complaint with the Iowa board of parole pursuant to Iowa Code section 908.8. When a parolee is arrested the agent shall immediately notify the board of parole.

A complaint, which is a preliminary parole violation information, shall be filed with the magistrate at the time of the initial appearance.

45.4(3) *Absconding from supervision.* Upon receipt of information that a parolee has absconded from supervision, a preliminary parole violation information shall immediately be filed with a judge, an associate judge, or a magistrate and a warrant for arrest requested.

201—45.5(906) *Voluntary return to institution.* A parolee may be returned to an Iowa department of corrections institution for a period not to exceed 90 days for treatment or further training, provided a voluntary return agreement is approved by the district department and the warden or superintendent of said institution and is signed by them and by the parolee prior to the return.

201—45.6(906) *Discharge from parole.* The parole officer shall make application for discharge to the district director following the parolee's satisfactory adjustment under supervision and upon the parole officer's determination that the parolee is able and willing to perform in a law-abiding fashion without further supervision. Discharge from parole may be granted prior to expiration of sentence, except for persons convicted for violation of Iowa Code section 709.3, 709.4 or 709.8, on or with a child. Such persons shall not be discharged until expiration of maximum sentence. Discharge granted by the district director shall terminate the person's sentence.

45.6(1) *Recommendation.* The recommendation for discharge from parole as submitted by the supervising officer shall include, but not be limited to, the following:

- a. Parolee's attitude and adjustment to parole supervision.
- b. Public offenses committed by the parolee while under supervision.
- c. Violation of any parole conditions set by the board of parole.
- d. Abuse of alcohol or drugs while on parole.
- e. Restitution accomplished by the parolee.
- f. The reasons why the discharge is appropriate.

45.6(2) Upon discharge, the parole officer shall give the discharged parolee the standard form to be completed and submitted if the ex-parolee seeks restoration of citizenship rights. If the ex-parolee seeks restoration within 60 days of discharge, the parole agent shall recommend for or against the restoration. The standard form shall be forwarded to the board of parole by the person seeking the restoration.

Under no circumstances shall parole supervision extend beyond the expiration of a parolee's sentence. (Iowa Code section 906.15)

45.6(3) After 60 days an ex-parolee may request restoration of citizenship by contacting the governor's office to request Executive Clemency forms.

201—45.7(905) Supervision enrollment fees.

45.7(1) The district department shall have written policies and procedures governing the preparation, submission, review, modification, collection, and retention of supervision enrollment fees, in accordance with Iowa Code section 905.14(3). Payments shall be made directly to the supervising judicial district department.

45.7(2) The district department shall have written policies and procedures governing the waiver of collection of supervision enrollment fees for persons determined to be unable to pay, in accordance with Iowa Code section 905.14(3).

45.7(3) The district department shall have written policies and procedures governing the collection and retention of supervision enrollment fees for persons transferring to another judicial district. Fees will be collected by the supervising judicial district department.

45.7(4) The district department shall have written policies and procedures governing the collection of supervision enrollment fees for persons who receive additional supervisions.

These rules are intended to implement Iowa Code sections 255.29, 905.14, 906.9 to 906.11, 906.15, 906.16, 908.1, 908.2, 908.8 and 910.5.

[Filed 12/12/75, Notice 10/6/75—published 12/29/75, effective 2/2/76]

[Filed 4/30/76, Notice 3/22/76—published 5/17/76, effective 6/21/76]

[Filed 9/29/76, Notice 8/23/76—published 10/20/76, effective 11/24/76]

[Filed 8/3/77, Notice 6/15/77—published 8/24/77, effective 9/28/77]

[Filed emergency 8/29/83—published 9/14/83, effective 10/1/83]

[Filed 2/24/84, Notice 1/4/84—published 3/14/84, effective 7/1/84]

[Filed 3/3/89, Notice 11/2/88—published 3/22/89, effective 4/26/89]

[Filed emergency 2/20/91—published 3/20/91, effective 2/20/91]

[Filed emergency 9/13/91—published 10/2/91, effective 9/13/91]

[Filed 1/31/92, Notice 10/2/91—published 2/19/92, effective 3/27/92]

[Filed emergency 6/30/97—published 7/30/97, effective 7/1/97]

[Filed 11/17/04, Notice 9/15/04—published 12/8/04, effective 1/12/05]